In the High Court of Uttaranchal, at Nainital.

Civil Misc. Writ Petition No. 170(M/S) of 2003

U.P. Awas & Vikas Parishad,
through Executive Engineer,
Dehradun …. Petitioner.

Vs.

Additional District Judge
Dehradun and two others Respondents.

Dated: 26th October, 2004.

Hon'ble Rajesh Tandon, J.

By the present writ petition the petitioner has challenged the order dated 17.4.1996, passed by the then Additional District Judge, Dehradun, by which he has rejected the objections under Section 47 of the Code of Civil Procedure.

Briefly stated the facts of the case are that the land in dispute was required under the provisions of Land Acquisition Act. The award given by the Special Land Acquisition Officer makes it clear that the land was required for road purposes. The executing court has therefore recorded a finding that the amended provisions with regard to the enhancement of the solatium from 15% to 30% and the rate of interest from 6% to 15% will apply. After hearing both the parties the order for enhancement of the solatium and the interest, the order was passed in Misc. Case No. 25/1986. The order remained unchallenged and as such the objections have been rejected. Further the executing court can not go behind the decree, if there is any grievance the remedy is available to challenge the order passed in the Misc. Case No. 25/1986 and the objection can not be filed in the execution proceedings.

In view of above, I find no infirmity in the order. The writ petition is dismisses.

(Rajesh Tandon, J.)

ISB